

ESTTA Tracking number: **ESTTA60955**

Filing date: **01/09/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Noven Pharmaceuticals, Inc.
Granted to Date of previous extension	01/08/2006
Address	11960 S.W. 144 Street Miami, FL 33186 UNITED STATES
Attorney information	Jay G. Kolman, Esq. Noven Pharmaceuticals, Inc. 11960 S.W. 144 Street Miami, FL 33186 UNITED STATES jkolman@noven.com, khoyt@noven.com Phone:(305) 964-3326

Applicant Information

Application No	76540086	Publication date	07/12/2005
Opposition Filing Date	01/09/2006	Opposition Period Ends	01/08/2006
Applicant	Dimera Incorporated 2525 NW Lovejoy, Suite 311 Portland, OR 97201 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and sevicees in the class are opposed, namely: TRANS-DERMAL PATCHES CONTAINING PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF DEFICIENCIES AND IMBALANCES OF STEROID HORMONES

Attachments	NOTICE OF OPPOSITION.pdf (3 pages)
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Signature	/Jay G. Kolman/
Name	Jay G. Kolman, Esq.
Date	01/09/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re the Matter of

Applicant: Dimera Incorporated

Application Serial No.: 76/540,086

Mark: E DOT

Filed: August 26, 2003

Official Gazette: July 12, 2005

Noven Pharmaceuticals, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No.:
)	
Dimera Incorporated,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Noven Pharmaceuticals, Inc., a Delaware corporation, with an address at 11960 S.W. 144th Street, Miami, Florida 33186, believed that it will be damaged by registration of the mark E DOT shown in Application Serial No. 76/540,086 and hereby opposes same.

As grounds for the opposition, it is alleged that:

1. Opposer is the current owner of Registration No. 2,598,081 for the mark DOT 7, issued July 23, 2002.¹ The registration covers pharmaceutical preparations, namely therapeutic

¹ Opposer is also the owner of DOT MATRLX, Registration No. 2,656,931, for transdermal patch technology which covers manufacture of therapeutic preparations in the form of a bandage or patch to be affixed to skin for delivery of a biologically active agent, to order and/or specification of others.

systems in the form of a bandage or patch for transdermal or transmucosal delivery of hormonal or steroidal active agents. Opposer is also the current owner of a pending trademark application for ESTRADOT, Application Serial No. 78/501,902 for pharmaceutical preparations, namely, therapeutic systems in the form of a bandage or patch to be attached to skin or mucosal membranes for delivery of a hormonal or steroidal active agents; and several other "DOT" marks in connection with transdermal patch medications (Application Serial Nos.: 78/783,029 for TESTADOT; 78/771,556 for COMBIDOT; 78/771,546 for TESTRADOT; 78/550,744 for DOT SEVEN; 78/535,509 for FENTADOT; 78/643,346 for FEMDOT; 78/600,926 for ANDRODOT; 78/438,359 for NICODOT; 78/430,920 for PRODOT; 78/352,792 for DOT; and 78/256,404 for METADOT.

2. The application herein opposed seeks to register the mark E DOT for "Transdermal patches containing pharmaceutical preparations for the treatment of deficiencies and imbalances of steroid hormones."

3. The goods in the opposed application are identical and/or closely related to the goods identified in Opposer's registrations and applications. Applicant's goods would likely be thought to have emanated or originated from the same source as Opposer's goods, or to have been approved or sponsored by Opposer.

4. The mark in the opposed application as applied to the goods set forth in that application is confusingly and deceptively similar to Opposer's registration and applications.

5. Opposer believe that therefore alleges that the use and registration of the alleged trademark E DOT by Applicant will damage Opposer, for the reasons, among others:

a. That physicians and pharmacists in the trade will be deceived as to the source and original of Applicant's goods offered and sold under the mark E DOT; and

b. That physicians and pharmacists in the trade will assume, contrary to fact, that Applicant's goods are associated with, or are the same as Opposer's goods.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and that this Opposition be sustained.

Please charge the Opposition Fee of \$300 to the undersigned's Deposit Account No. 500511.

Respectfully submitted,

Dated: January 9, 2006

By: Jay G. Kolman
Jay G. Kolman
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